

ELECTIONS/RESTRICTIONS

In response to the Restriction Requirement within the Office Action dated October 7, 2005, Applicant provisionally elects Species I for a transportable power wheelchair, with traverse. Claims 1-15, 22-26, 27-29, 31-32, 24-26, 40 and 48-52 are designated as readable on this Species I.

It is respectfully submitted that the Restriction Requirement should now be removed as a result of the comments submitted herewith.

It is submitted that Species II (designated by the Examiner as a mounting means connecting a span bar to a vertical post) and Species III (designated as a footrest assembly wherein the footrest structurally joins segments of the frontal cross-member portions to structurally interconnect the mainframe sub assemblies) are attributes of the overall transportable power wheelchair. Also, the claims directed toward Species II (Claims 30, 33, and 37-39) and Species III (Claims 14-21 and 41-47) depend from independent Claims 1 or 27, both of which are readable on the features characterized by the Examiner as Species I. Thus, the claims corresponding to these features should not be restricted at this time.

It is also noted that while Figures 1-5c have been characterized as showing the transportable power wheelchair of Species I, the features of Species I are disclosed in other figures as well. By way of example, Figure 6 shows an alternate embodiment of features shown in Figure 3d. Figures 7a through 7f show various features of a frontal cross member that is part of the structural assembly of the wheelchair of Species I. Figures 8d-10b show features of a transportable power wheelchair in various states of assembly. Furthermore, Figures 1-5c also show the mounting means for connecting a span bar to a vertical post, a feature that is

characterized as Species II. It naturally follows that, since the features of the various designated Species are shown in the same figures, all of the relevant structures are part of the transportable power wheelchair as a whole.

Claims 1 and 27 are the only independent claims. The claims which correspond to Species II (Claims 30, 33, 37-39) and Species III (Claims 14-21 and 41-47) depend from these independent claims. Thus, these claims also indicate that all of the structures are part of the overall structure of the transportable power wheelchair. Further, these independent claims are generic to the features that are characterized as Species II and III. The present invention is a transportable power wheelchair, which may have a mounting means for connecting a span bar to a vertical post and/or a footrest support assembly that is structurally joined to front cross-member portions of the wheelchair.

It is respectfully requested that the Species restriction requirement be withdrawn and that examination continue relative to all claims. Alternatively, if the restriction is maintained, upon allowance of the independent claims, the restricted dependent claims should be allowed to issue in the patent corresponding to this application.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 35811

Art Unit : 3618
Examiner : Not Yet Known
Serial No. : 10/694,423
Filed : October 27, 2003
Inventors : Christopher Grymko, et al.
Title : TRANSPORTABLE WHEELCHAIR

Docket No.: PMP-05-1323R
Confirmation No.: 3352
Dated: November 7, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Certificate of Mailing Under 37 CFR 1.8

For

Postcard

Amendment Transmittal Letter, in duplicate
Response to Restriction Requirement
Eighteen Sheets of Drawings

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

Name of Applicant, Assignee, Applicant's Attorney
or Registered Representative:

DLA Piper Rudnick Gray Cary US LLP
Customer No. 35811

By:  _____

Date: November 7, 2005

AMENDMENT

In the Drawings

Kindly substitute Figs. 1-10b for the Figures now of record, without prejudice. No new matter has been added.

In Figure 7a, the element previously labeled 212 has been correctly re-labeled 211. Support for this change can be found in paragraph [0060] of the specification.

Numerals 206 and 208 have been added to Figure 7c. Numerals 244 and 246 have been repositioned to point to the appropriate elements. As stated in paragraph [0062] on page 14 of the specification as filed, numbers 244 and 246 represent the openings of the elements labeled 240 and 242, respectively, and the numbers 206 and 208 represent the upper support bar and lower support bar, respectively. Numerals 206 and 208 are used on other figures, for example Figure 7b to represent the same structures.

In Figure 10a, the direction of arrows R1 and R2 has been reversed. The directions now shown on replacement Figure 10a are as described in paragraph [0070] on page 18 of the specification as filed.